

Before the State of South Carolina Department of Insurance

In the Matter of: )

Sandra C. Brazell, )

1803 Marina Road )

Irmo, South Carolina 29063. )

File Number 103307

Consent Agreement

This matter comes before me pursuant to an agreement entered-into between the State of South Carolina Department of Insurance and Sandra C. Brazell, a licensed State of South Carolina Resident Insurance Agent.

After my review of the record before me, I hereby find as fact, that Insurance Agent Brazell failed to timely pay the year 1999-2000 annual \$8.50 fee required for the operation of the continuing insurance education administrator. Insurance Agent Brazell acknowledges that she did not timely pay the required fee on, or before, the May 1, 2000 date set by the continuing insurance education administrator and the Department of Insurance. However, despite this admission, Insurance Agent Brazell contends that her failure to pay that fee resulted only from inadvertence and oversight and did not result from any intent to avoid the requirements of the law. She further contends that, although she did not meet the May 1<sup>st</sup> payment date, she did pro-actively pay the required fee on June 26, 2000, prior to the initiation of any administrative investigation by the Department of Insurance. Insurance Agent Brazell's failure to meet the May 1<sup>st</sup> administrative deadline, nevertheless, is an act that can ultimately lead to administrative disciplinary action against her license to transact the business of insurance as an insurance agent in this State, following a public hearing before the State of South Carolina's Administrative Law Judge Division.

Prior to the initiation of any administrative disciplinary proceeding by the Department of Insurance against her, Insurance Agent Brazell and the Department of Insurance agreed to submit this entire matter to me, along with their specific recommendations, for my summary decision, rather than to proceed toward a formal public hearing. That consensual recommendation was that, in lieu of the Department of Insurance seeking to revoke Insurance Agent Brazell's State of South Carolina Resident Insurance Agent's License, she would waive her right to a public hearing, and she would pay an administrative penalty in the total amount of \$250.00.

S. C. Code Ann. Section 38-43-106 (D) (Cum. Supp. 1999) makes insurance agents "responsible for payment to the continuing education administrator of a reasonable annual fee for operation of the continuing education program". By Regulation, that fee must be paid on, or before, a date set by the continuing insurance education administrator and the Department of Insurance. S. C. Code Ann. Regulation 69-50, Section VIII, Binder 25A (Cum. Supp. 1999). S. C. Code Ann. Section 38-43-130 (Cum. Supp. 1999) states, in pertinent part, that the Director of Insurance may revoke an agent's license "when it appears that an agent . . . has violated this title or any regulations promulgated by the Department."

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude, as a matter of law, that Insurance Agent Brazell has not complied with the language of S. C. Code Ann. Section 38-43-106(D) (Cum. Supp. 1999) and S. C. Code Ann. Regulation 69-50, Section VIII (Cum. Supp. 1999). As a result, I can now take administrative disciplinary action against her State of South Carolina Resident Insurance Agents' License. However, under the discretionary authority provided to me within S. C. Code Ann. Section 38-43-130 (Cum. Supp. 1999), and after carefully considering the recommendations of the parties and both the lack of any intent to violate any insurance law by Insurance Agent Brazell and her



Sandra C. Brazell


pro-active payment of the \$8.50 annual continuing insurance education administrator fee prior to the initiation of this matter by the Department of Insurance, I hereby impose an administrative penalty in the total amount of \$250.00 against Insurance Agent Brazell. That penalty must be paid within ten days of the date of my signature upon this Consent Agreement. If Insurance Agent Brazell does not timely pay the total amount, then her State of South Carolina Resident Insurance Agent's License will be revoked without any further disciplinary proceedings.

The parties have reached this agreement in consideration of the Department of Insurance having never taken any administrative disciplinary action against Insurance Agent Brazell on this, or any other matter, before; as a result of her good faith, pro-active attempt to comply with the fee payment provisions after the due date and before any regulatory notice of late compliance; and as a result of her assurances that, in the future, she will comply with all State of South Carolina insurance laws, particularly the timely payment of all future continuing insurance education administrator fees. The parties expressly agree and understand that Insurance Agent Brazell's payment of the agreed-upon penalty constitutes a full accord and satisfaction of all matters of fact and issues of law arising from, or contributing to, this matter and that this Consent Agreement will ensure that Insurance Agent Brazell's State of South Carolina Resident Insurance Agent's License and all insurer appointments will not be non-renewed, but will remain continuously effective through the year 2000 biennial insurance agents' licensing period.

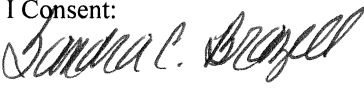
By her signature upon this Consent Agreement, Insurance Agent Brazell acknowledges that she understands that this agreement is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S. C. Code Ann. Section 30-4-10, *et seq.* (1976, as amended, and Cum. Supp. 1999). Nothing contained within this agreement should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this agreement should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this agreement should be construed to limit the statutory duty, pursuant to S. C. Code Ann. Section 38-3-110 (Cum. Supp. 1999), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that Sandra C. Brazell, within ten days from the date of my signature upon this Consent Agreement, shall pay through the Department of Insurance an administrative penalty in the total amount of \$250.00. It is further ordered that a copy of this Consent Agreement should be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member regulators and that a copy be placed within Insurance Agent Brazell's Department of Insurance licensing file. This Consent Agreement becomes effective as of the date of my signature below.

August 10, 2000, at  
Columbia, South Carolina

  
Ernst N. Csiszar  
Director

I Consent:

  
Sandra C. Brazell  
1803 Marina Road  
Irmo, South Carolina 29063  
August 7, 2000